

Amendment No. 3 to HB1768

Sargent
Signature of Sponsor

AMEND Senate Bill No. 1852*

House Bill No. 1768

by deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-6-117, is amended by deleting subsection (b) and by substituting instead the following new subsections:

(b) A violation of this section is a Class D felony.

(c)

(1) Following a conviction for a violation of this section or § 71-6-119, the clerk of the court shall notify the department of health of the conviction by sending a copy of the judgment in the manner set forth in § 68-11-1003 for inclusion pursuant to title 68, chapter 11, part 10.

(2) Upon receipt of a judgment of conviction for a violation of an offense set out in subdivision (c)(1), the department shall place the person or persons convicted on the registry of persons who have abused, neglected, or misappropriated the property of a vulnerable individual as provided in § 68-11-1003(c).

(3) Upon entry of the information in the registry, the department shall notify the person convicted, at the person's last known mailing address, of the person's inclusion on the registry. The person convicted shall not be entitled or given the opportunity to contest or dispute either the prior hearing conclusions or the content or terms of any criminal disposition, or attempt to refute the factual findings upon which the conclusions and determinations are based. The person convicted may

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challenge the accuracy of the report that the criminal disposition has occurred, such hearing conclusions were made or any factual issue related to the correct identity of the person. If the person convicted makes such a challenge within sixty (60) days of notification of inclusion on the registry, the commissioner, or the commissioner's designee, shall afford the person an opportunity for a hearing on the matter that complies with the requirements of due process and the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

AND FURTHER AMEND by adding the following new sections to the bill immediately preceding the effective date section and by renumbering the existing section accordingly:

SECTION ____.

(a) There is created the elder abuse task force.

(b) The task force shall consist of the following members:

(1) One (1) member of the senate appointed by the speaker of the senate;

(2) One (1) member of the house of representatives appointed by the speaker of the house of representatives;

(3) The executive director of the Tennessee commission on aging and disability or the director's designee;

(4) The commissioner of human services or the commissioner's designee with knowledge of the responsibilities of the adult protective services program;

- (5) The commissioner of health or the commissioner's designee;
- (6) The commissioner of financial institutions or the commissioner's designee;
- (7) The commissioner of commerce and insurance or the commissioner's designee;
- (8) A representative of the Disability Law and Advocacy Center of Tennessee appointed by the center's executive director;
- (9) A district attorney general selected by the district attorneys general conference; and
- (10) The director of the Tennessee bureau of investigation or the director's designee.

(c)

(1) The task force shall:

(A) Assess the current status of elders and other vulnerable adults covered by the Tennessee Adult Protection Act, compiled in Tennessee Code Annotated, Title 71, Chapter 6, Part 1;

(B) Examine the existing barriers, services and resources addressing the needs of these elder persons and vulnerable adults; and

(C) Develop recommendations to address problems associated with the abuse of these elder persons and vulnerable adults.

(2) The task force shall include an examination of the following in its assessment and recommendations:

(A) A determination of the economic and human impact of the abuse of elder persons and vulnerable adults in Tennessee;

(B) A review of the remedies to reduce the number of individuals suffering such abuse;

(C) Legislative remedies for consideration in the 109th general assembly; and

(D) Needed state policies or responses, including directions for the provision of clear and coordinated services and support to protect and assist such persons.

(d)

(1) Members of the task force shall serve without compensation or reimbursement for any expenses incurred while participating in the business of the task force.

(2) All legislative members of the task force shall remain members of the task force until the task force reports its findings and recommendations to the general assembly.

(e) The selection of members of the task force shall strive to be inclusive and to reflect the racial, gender, geographic, urban and rural, and economic diversity of the state.

(f) The member of the general assembly with the most seniority in the general assembly shall call the first meeting of the task force at which time the members shall elect a chair and vice-chair.

(g) The commission on aging and disability shall provide necessary administrative support for the task force. The chair of the task force may call on appropriate state agencies for reasonable assistance in the work of the task force.

(h) The task force shall hold public meetings and utilize technological means, such as webcasts, to gather feedback on the recommendations from the general public and from persons and families affected by poverty.

(i) The task force shall submit its findings and recommendations to the governor and the general assembly in the form of a state plan to combat the abuse of elder persons and other vulnerable adults no later than January 15, 2015, at which time the task force shall terminate and stand dissolved and discharged from any further duties.

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.